

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

07 APR 10 PM 4:30
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

UNITED STATES OF AMERICA

Plaintiff

-VS-

FRANK SUELLS, SR.

Defendant

:
:
: CASE NO. 1:07CR011
:
:
:

: ORDER ACCEPTING PLEA AGREEMENT
: AND JUDGMENT AND NOTICE OF
: HEARING
:

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge William H. Baughman, Jr. regarding the change of plea hearing and plea agreement of Frank Suells, Sr. which was referred to the Magistrate Judge with the consent of the parties.

On 3 January 2007, the government filed a three-count indictment against Frank Suells, Sr. for felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1); possession of an unregistered firearm in violation of 26 U.S.C. § 5861(d) and § 5871; and possession of crack cocaine in violation of 21 U.S.C. § 844(a). On 26 January 2007, a hearing was held in which Frank Suells, Sr. entered a plea of not guilty before Magistrate Judge Kenneth S. McHargh. On 20 March 2007, Magistrate Baughman received Frank Suells, Sr.'s plea of guilty and issued a Report and Recommendation

("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Frank Suells, Sr. is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Frank Suells, Sr. is adjudged guilty of Counts One, Two and Three in violation of 18 U.S.C. § 922(g)(1), 26 U.S.C. §§ 5861(d) and 5871, and 21 U.S.C. § 844(a).

Sentencing will be:

11 June 2007 at 10:30 a.m.

**Courtroom 19-A
19th Floor, United States District Court
801 West Superior Avenue
Cleveland, Ohio 44113**

IT IS SO ORDERED.

Dated:

4/10/07


UNITED STATES DISTRICT JUDGE